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| APPLICATION NO.       | F     | ILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.     | CONFIRMATION NO. |
|-----------------------|-------|------------|----------------------|-------------------------|------------------|
| 09/788,300 02/16/2001 |       | 02/16/2001 | Kerry J. Vahala      | ALG08NP                 | 1501             |
| 23892                 | 7590  | 04/10/2003 |                      |                         |                  |
| DAVID S A             | ALAVI |            | EXAMINER             |                         |                  |
| 3762 WEST<br>#408     | •     |            | MOONEY, MICHAEL P    |                         |                  |
| EUGENE, OR 97402      |       |            |                      | ART UNIT                | PAPER NUMBER     |
|                       |       |            | •                    | 2877                    |                  |
|                       |       |            |                      | DATE MAILED: 04/10/2003 |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

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|---|--|---|--|--|--|--|--|
| - <del>}</del>  | Application No.  | Applicant(s)  |  |  |  |  |  |
| Office Action Summary   | 09/788,300   | VAHALA ET AL.   |  |  |  |  |  |
| Cinet Action Cummary  | Examiner   | Art Unit  |  |  |  |  |  |
| The MAILING DATE of this communication app  | Michael P. Mooney  | 2877<br>orrespondence address                           |  |  |  |  |  |
| Period for Reply  |  |   |  |  |  |  |  |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  Status |  |   |  |  |  |  |  |
| 1) Responsive to communication(s) filed on  | <u> </u>   |   |  |  |  |  |  |
| 2a) ☐ This action is <b>FINAL</b> 2b) ☑ Thi   | is action is non-final.  |   |  |  |  |  |  |
| Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex-parte Quayle, 1935 C.D. 11, 453 O.G. 213.   |  |   |  |  |  |  |  |
| Disposition of Claims   |  |   |  |  |  |  |  |
| 4)⊠ Claim(s) <u>1-46</u> is/are pending in the application  |  |   |  |  |  |  |  |
|   | 4a) Of the above claim(s) is/are withdrawn from consideration.                     |   |  |  |  |  |  |
| 5)⊠ Claim(s) <u>7-46</u> is/are allowed.  |  |   |  |  |  |  |  |
|   | S)⊠ Claim(s) <u>1</u> is/are rejected.   |   |  |  |  |  |  |
| 7) Claim(s) <u>2-6</u> is/are objected to.  |  |   |  |  |  |  |  |
| 8) Claim(s) are subject to restriction and/or Application Papers  | r election requirement.  |   |  |  |  |  |  |
| 9) The specification is objected to by the Examiner   | •  |   |  |  |  |  |  |
| 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  |  |   |  |  |  |  |  |
| Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).   |  |   |  |  |  |  |  |
| 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.  |  |   |  |  |  |  |  |
| If approved, corrected drawings are required in reply to this Office action.  |  |   |  |  |  |  |  |
| 12) The oath or declaration is objected to by the Examiner.   |  |   |  |  |  |  |  |
| Priority under 35 U.S.C. §§ 119 and 120   |  |   |  |  |  |  |  |
| 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).   |  |   |  |  |  |  |  |
| a) ☐ All b) ☐ Some * c) ☐ None of:  |  |   |  |  |  |  |  |
| 1. Certified copies of the priority documents   | s have been received.  |   |  |  |  |  |  |
| 2. Certified copies of the priority documents   | 2. Certified copies of the priority documents have been received in Application No |   |  |  |  |  |  |
| <ul> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>   |  |   |  |  |  |  |  |
| 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  |  |   |  |  |  |  |  |
| a) ☐ The translation of the foreign language provisional application has been received.  15)☑ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  |  |   |  |  |  |  |  |
| Attachment(s)   |  |   |  |  |  |  |  |
| 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)   | 5) Notice of Informal F  | r (PTO-413) Paper No(s)<br>Patent Application (PTO-152) |  |  |  |  |  |
|   |  |   |  |  |  |  |  |

Application/Control Number: 09/788,300

Art Unit: 2877

#### **DETAILED ACTION**

## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- 1. Determining the scope and contents of the prior art.
- 2. Ascertaining the differences between the prior art and the claims at issue.
- 3. Resolving the level of ordinary skill in the pertinent art.
- 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lomashevich (5475704).

Lomashevich teaches a first transmission optical waveguide (TOWG); a second TOWG; and.

although Lomashevich does not expressly use the word "evanescently" it is notoriously well known that that the optical resonator such as in Lomashevich figure 1 is evanescently optically coupled to each of the first and second TOWGs for transferring a resonant optical signal between the first and second TOWGs.

Thus claim 1 is rejected.

Application/Control Number: 09/788,300

Art Unit: 2877

## Allowable Subject Matter

Claims 7-46 are allowed.

Claims 2-6 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Mooney whose telephone number is 703-308-6125. The examiner can normally be reached during weekdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on 703-308-4881. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7721 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-

0956. An alternative useful number for status inquiries is 703-306-3329.

Michael P. Mooney

Examiner

Art Unit 2877

Frank G. Font

Supervisory Patent Examiner

Art Unit 2877

FGF/mpm 4/7/03